

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:	:	Case No. 19-23840-GLT
	:	
JAMES R. JOHNS,	:	Chapter 13
	:	
<i>Debtor.</i>	:	Related to Dkt. No. 158
	:	
JAMES R. JOHNS,	:	
	:	
<i>Movant,</i>	:	
	:	
v.	:	
	:	
TOA CONSTRUCTION CORP. and	:	
RONDA J. WINNECOUR, TRUSTEE,	:	
	:	
<i>Respondents.</i>	:	
	:	

MODIFIED ORDER

This matter came before the Court upon consideration of the *Motion to Approve Settlement* (the “Motion”) [Dkt. No. 158]. The *Motion* requests \$9,000 of settlement proceeds be distributed to Special Counsel, Massimo A. Terzini, Esquire and the Law Offices of Joel Sansone for legal fees. Because Special Counsel already received a retainer of \$5,000, an additional \$9,000 represents a 62% recovery. Given that such a high recovery percentage suggests a settlement primarily serves to benefit Special Counsel, the Court deems it unreasonable. Additionally, Special Counsel failed to timely file its application for employment and was not approved until April 17, 2023. Based upon the foregoing, the Court finds an adjustment is appropriate and it is hereby **ORDERED, ADJUDGED, and DECREED** that:

1. The settlement in the amount of \$22,500 to James R. Johns with respect to his employment discrimination claims against TOA Construction Corp. is **APPROVED** subject to the terms of this Order.

2. The settlement funds in the amount of \$22,500 shall be distributed as follows:

a. \$4,000 shall be distributed to Special Counsel and the Law Offices of Joel Sansone for legal fees. Payment of \$4,000 coupled with the \$5,000 retainer already received represents a total of \$9,000 (40% recovery).

b. The remaining \$18,500 is deemed non-exempt and shall be paid to the chapter 13 trustee, Ronda J. Winnecour and earmarked for distribution to general unsecured creditors with allowed claims.

3. The Defendant will separately pay Sally Griffith Cimini, Esquire, the amount of \$4,158 for mediation services related to the District Court Proceeding.

Dated: September 20, 2023



GREGORY J. MADDONIO cgr
CHIEF UNITED STATES BANKRUPTCY JUDGE

In re:
James R. Johns
Debtor

Case No. 19-23840-GLT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Sep 20, 2023

User: auto
Form ID: pdf900

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 22, 2023:

Recip ID	Recipient Name and Address
db	+ James R. Johns, 1286 Lakemont Drive, Pittsburgh, PA 15243-1854

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 22, 2023

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 20, 2023 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor THE BANK OF NEW YORK MELLON F/K/A The Bank of New York as trustee for registered Holders of CWABS, Inc., Et AL... bnicholas@kmlawgroup.com
Chandra Marie Arkema	on behalf of Creditor Residential Credit Opportunities Trust V-E tuhawkeye@msn.com carkema@squirelaw.com
Christopher A. DeNardo	on behalf of Creditor Federal Home Loan Mortgage Corporation as Trustee for Freddie Mac SLST 2022-1 Participation Interes logsecf@logs.com
Christopher A. DeNardo	on behalf of Creditor SPECIALIZED LOAN SERVICING LLC logsecf@logs.com
Christopher M. Frye	on behalf of Plaintiff James R. Johns chris.frye@steidl-steinberg.com julie.steidl@steidl-steinberg.com;todd@steidl-steinberg.com;r53037@notify.bestcase.com;rlager@steidl-steinberg.com;awerkmei

District/off: 0315-2

User: auto

Page 2 of 2

Date Rcvd: Sep 20, 2023

Form ID: pdf900

Total Noticed: 1

ster@steidl-steinberg.com;amattish@steidl-steinberg.com

Christopher M. Frye

on behalf of Debtor James R. Johns chris.frye@steidl-steinberg.com
julie.steidl@steidl-steinberg.com;todd@steidl-steinberg.com;r53037@notify.bestcase.com;rlager@steidl-steinberg.com;awerkmei
ster@steidl-steinberg.com;amattish@steidl-steinberg.com

Jeffrey R. Hunt

on behalf of Creditor PWSA jhunt@grblaw.com

Jeffrey R. Hunt

on behalf of Creditor MUNICIPALITY OF MT. LEBANON & MT. LEBANON SD jhunt@grblaw.com

Jerome B. Blank

on behalf of Creditor Specialized Loan Servicing LLC jblank@pincuslaw.com brausch@pincuslaw.com

Keri P. Ebeck

on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com
jbluemle@bernsteinlaw.com;kebeck@ecf.courtdrive.com

Kevin Scott Frankel

on behalf of Creditor Specialized Loan Servicing LLC pabk@logs.com, logsecf@logs.com

Leon P. Haller

on behalf of Creditor Pennsylvania Housing Finance Agency/HEMAP lhaller@pkh.com
khousman@pkh.com;dmaurer@pkh.com;lrynard@pkh.com;mgutshall@pkh.com

Lily Christina Calkins

on behalf of Creditor Federal Home Loan Mortgage Corporation as Trustee for the benefit of the Freddie Mac Seasoned Loans
logsecf@logs.com, lilychristinacalkins@gmail.com

Michael J Shavel

on behalf of Creditor Wilmington Savings Fund Society FSB, as Owner Trustee of the Residential Credit Opportunities Trust V-E
mshavel@hillwallack.com,
ldejesus@hillwallack.com;lharkins@ecf.courtdrive.com;mshavel@ecf.courtdrive.com;aemberger@ecf.courtdrive.com

Office of the United States Trustee

ustpreion03.pi.ecf@usdoj.gov

Ronda J. Winnecour

cmecf@chapter13trusteewdpa.com

Thomas Song

on behalf of Creditor SPECIALIZED LOAN SERVICING LLC pawb@fedphe.com

Thomas E. Reilly

on behalf of Creditor Ann M Johns ecf@tomreillylaw.com

TOTAL: 18